

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, and JAMES L.
KELLEY,

Plaintiffs,

v.

BORGWARNER INC.,
BORGWARNER DIVERSIFIED
TRANSMISSION PRODUCTS
INC., and BORGWARNER
FLEXIBLE BENEFITS PLANS,

Defendants.

Case 2:09-cv-10918-PDB-MKM

U.S. District Judge Paul D. Borman

U.S. Mag. Judge Mona K. Majzoub

NOTICE REGARDING *TACKETT*

In accordance with the order of this Court dated June 20, 2014, BorgWarner Inc., BorgWarner Diversified Transmission Products Inc., and BorgWarner Flexible Benefits Plans hereby provide notice that on January 26, 2015, the Supreme Court of the United States decided *M&G Polymers USA, LLC v. Tackett*. The Supreme Court vacated the Sixth Circuit's decision, and after reviewing the many inferences regarding vesting of retiree benefits set forth in *International Union, UAW v. Yard-Man, Inc.*, 716 F.2d 1476 (6th Cir. 1983), and its progeny, ruled that those inferences "conflict with ordinary principles of contract law" and are improper. No. 13-1010, 2015 WL 303218, at *6 (U.S. Jan. 26, 2015) (attached). BorgWarner

respectfully suggests that the Court convene a status conference to discuss a process for reconsideration of the Court's prior summary judgment ruling.

Dated: January 29, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2015, I electronically filed the foregoing **Notice Regarding *Tackett*** with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

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